(G.C.P.)J 455 (5,00,000)-11.2001) Spl-H.C.,A.S.,C.D.,78e

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Civil Application No.7880 of 1999
In
Writ Petition No.5286 of 1999

Office Notes, Office Memoranda of Coram, appearances, Court's order or directions and Registrar's order.	Court's or Judge's orders

Shri A.D.Kango with Shri D.A.Dube for the applicants.

None present for the respondent.

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CORAM: R.M.S.KHANDEPARKAR
&
NARESH H.PATIL, JJ

DATED: 23rd August, 2006.

P.C.

1. Heard the learned advocate for the applicants. None present for the respondent, though served. This is an application for review of the order dated 22nd September, 1999 passed in the Writ Petition No.5286 of 1999. The order reads thus:-

"The Central Administrative Tribunal, Mumble Bench while dealing with the Original Application No.629 of 1998 taking all relevant material

including O.M.dated 10.9.1993 page 50 onwards has issued some directions in thereby granting the relief of the Petitioner getting benefits of the scheme where under casual labours would first become temporarily and gradually get further benefits as per the scheme in the course of their employment.

2. Saying that he should not have been done, the employer has come before this court, we do not find any infirmity with the order hence rejected."

2. The order on the face of it discloses that the petition filed by the petitioners/applicants was dismissed solely on the ground that the court did not find infirmity in the order passed by the Tribunal wherein the Tribunal had observed that under the scheme, the casual labourers would first become temporary and then gradually will get benefit as per the scheme in the course of the employment. The plain reading of the petition, wherein the order of the Tribunal was challenged, discloses

that the said finding was challenged by the petitioners being contrary to the law laid down by the Apex Court as regards the benefits in the nature of temporary employment or permanency which could be claimed by the employees who are engaged under a particular scheme for a particular job, as well as in case of employment of casual labourers. Apparently, therefore, the Division Bench without considering the law applicable to the facts of the case rejected the petition and that itself shows error apparent on the face of record which justifies the contention of the petitioners that the order dated 22nd September, 1999 needs to be reviewed and recalled and the Writ Petition No.5286 of 1999 to be restored to the board for reconsideration.

3. Accordingly, the order dated 22nd September, 1999 in the Writ Petition No.5286 of 1999 is hereby recalled and the said Writ Petition is restored to the board and directly to be listed for hearing on admission on 25th September, 2006.

4. The application for review stands disposed of accordingly.

(NARESH H.PATIL,J) (R.M.S.KHANDEPARKAR, J)